

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAILSTOP APPEAL BRIEF, ASSISTANT COMMISSIONER OF PATENTS AND TRADEMARKS, P.O. BOX 1450, ALEXANDRIA, VA, 22313-1450, ON:

Date: 7/28/2004 By: DP

DANIEL MICHAEL K

PATENT

Attorney's Docket No. PHA 23.782

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

SHTEYN

Group Art Unit: 2154

Application No.: 09/433,257

Examiner: Wen Tai Lin

Filed: 11/04/1999

Appeal No. \_\_\_\_\_

For: PARTITIONING OF MP3 CONTENT  
FILE FOR EMULATING STREAM-  
ING

**BRIEF FOR APPELLANT**

Mailstop APPEAL BRIEF  
Assistant Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This appeal is from the decision of the Primary Examiner dated 03/25/2004, finally rejecting claims 2-6, 14, 17 and 20, which are reproduced as an Appendix to this brief.

The Commissioner is authorized to charge the fee of \$330, and any other fees that may be required by this paper, to Deposit Account No. 14-1270.

PATENT  
Attorney's Docket No. PHA 23,782  
Page 7

**(10) CONCLUSION**

For the foregoing reasons, claims 4-6, 14, 17 and 20 are not anticipated by Cohen, nor would claims 2 and 3 have been obvious in view of the same.

Applicant respectfully submits therefore that the Final Rejection should be  
REVERSED.

Respectfully submitted,

By: Michael J. Ure  
Michael J. Ure  
Attorney for Applicant  
Registration No. 33,089

Date: July 27, 2004